

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 5479 OF 2014.

Mohammedwalla Trust .. Petitioner
Vs
The Block Education Officer and others .. Respondents

Mr.C.K.Thomas i/b C.K.Thomas & Associates, for the Petitioner.

Mr.K.S.Thorat, for Respondent Nos.3 and 4.

Mr.Sandeep Mahadik i/b Mr.Satyajeet H.Joshi, for Respondent No.5.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M.JAMDAR, J.***

Date : 3 July, 2019.

P.C. :

1. Learned counsel for Respondent No.5 states that he has not been receiving the instructions from Respondent No.5.

2. The grievance of the Petitioner is that Respondent No.5 is running a School since the year 2010 without any permission and that Respondent Nos.1 to 4 are not taking any action as contemplated by the Right of Children to Free and Compulsory Education Act 2009.

3. The reply filed by Respondent No.5 is that it has applied for recognition but none has been granted.

4. If Respondent No.5 has a grievance of recognition not being granted to it, remedy as per law has to be availed of by the said Respondent.

5. As per Section 18 of the Act of 2009, no school other than a school established by or controlled by the appropriate Government or the local authority shall be permitted to teach. Private schools can teach after obtaining recognition from the competent Authority. Sub-section 5 of Section 18 is the penal provision imposing a fine upon the person who establishes or runs a school without obtaining certificate of recognition.

6. The Petition is accordingly disposed of directing the Respondent Nos.1 to 4 to ensure that Respondent No.5 ceased its activities till it obtains a recognition. Needless to state, Respondent No.5 would be entitled to a remedy against the non-grant of approval for recognition of the school.

N.M.JAMDAR, J.

CHIEF JUSTICE